

REMARKS

Favorable reconsideration of this application in light of the following remarks is respectfully requested.

Claims 1-6, 8-27 and 29-30 are pending in this application.

Request for Telephone Interview

Applicants respectfully request the Examiner contact Applicants' Representative, Scott A. Elchert, Reg. No. 55,149, upon reviewing this Amendment. In particular, Applicants' Representative would like to discuss the specific contents of the Declaration under 37 C.F.R. § 1.132 with the Examiner.

Claim Rejections under 35 U.S.C. § 103

Claims 1, 3-6, 8-21, 23-27 and 30:

Claims 1, 3-6, 8-21, 23-27 and 30 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Frank et al. (WO 99/60487, herein Frank) in view of Dönig et al. (U.S. Patent No. 5,471,377, herein Dönig). Applicants respectfully traverse this rejection as detailed below.

Initially, Applicants respectfully note that a Declaration under 37 C.F.R. § 1.132 is submitted with this Amendment providing support for the arguments submitted in the previous Amendment filed January 28, 2008. Applicants note that the Declarant, Norbert Grass, is the inventor of the above-identified application, as well as a co-inventor of the secondary reference Dönig.

Regarding the Declaration, Applicants direct the Examiner's attention to MPEP § 716.01(c), which states "[i]n assessing the probative value of an expert opinion, the examiner must consider the nature of the matter sought to be established, the strength of any opposing

evidence, the interest of the expert in the outcome of the case, and the presence or absence of factual support for the expert's opinion." (Emphasis added) Further, Applicants note this section of the MPEP cites *In re Oelrich*, 579 F.2d 86, 198 USPQ 210 (CCPA 1978) (factually based expert opinions on the level of ordinary skill in the art were sufficient to rebut the prima facie case of obviousness) (Emphasis added). A copy of *In re Oelrich* is attached for the Examiner's convenience.

Applicants respectfully submit the expert opinions and support for the expert opinions included in the Declaration should be sufficient to overcome the rejection based on the combination of Frank and Dönig. In particular, Applicants request the Examiner carefully review paragraphs 11-14 of the Declaration providing specific reasons why one skilled in the art of control and regulation of high-voltage supply units and electrostatic filters would not be motivated to use the control system and method described in Frank to control electrostatic filters such as those described in Dönig.

In addition, Applicants provide the following additional information intended to supplement the Declaration as well as the previous arguments filed January 28, 2008. In particular, Applicants submit that Dönig describes a preliminary stage in the development of control systems for electronic filters, and actually provides indications that one skilled in the art would not use the control system and method described in Frank for controlling high-voltage supply units and/or electrostatic filters.

For example, Applicants submit the measuring and regulating unit and the automation unit (6) must be synchronized in Dönig and note that Dönig deals extensively with time and time durations. Conversely, Frank relates to a general system for the object-oriented programming related to control and adjustment. Frank so-to-speak represents modular design, containing the most varied components of an object-oriented control, from which the user can select the

components and modules. Frank does not contain any suggestions on how to design and/or modify the control system to be suitable for an electronic filter.

Further, Frank does not suggest use of a JAVA oriented programming to provide an electronic filter with an especially reliable control such as that required by high-voltage supply units of electrostatic filters. Instead, Frank uses only standard components that are not particularly reliable. As supported by paragraph 13 of the Declaration, the clocking rates of the components as well as the complicated design of the networks described in Frank only demonstrate average reliability. Further, superfluous multi-processor designs and the like have a negative influence on the stability of the system and thus, are generally not used to control high-voltage supply units of electrostatic filters.

Conversely, example embodiments as described in Applicants' specification operate with a minimal software modules and the software structure of the PC arrangements recited in the claims describe triggering of the high-voltage supply units via an autonomous server-software module. For example, claim 1 recites "one of the software modules is an autonomous server software module, which realizes the at least one of data transmission and data exchange with the units, and is implemented on the server PC connected to the units via the first network ... the units are high-voltage supply units for electrostatic filters." Applicants respectfully submit that these features are simply not disclosed or taught by Frank and that one skilled in the art would not combine the teachings of Frank with the teachings of Dönig.

Still further, Applicants note that special reliability is important for high-voltage supply units for electrostatic filters to achieve an economic operation of the electrostatic filters. Outage times and non-operational time are associated with very high costs in industries such as the cement industry and steel industry. In addition, an Environmental Agency may levy fines on the amount of dust released by a continuously monitored industrial plant during outage times. State

of the art electronic filters must therefore be especially reliable and operate economically for the operator.

In light of the Declaration and above arguments, Applicants respectfully request the rejection of independent claim 1, as well as all claims depending therefrom, be withdrawn.

Claims 2 and 22:

Claims 2 and 22 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Frank in view of Dönig, and further in view of Krivoshein (U.S. Patent No. 6,449,715). Applicants respectfully traverse this rejection as detailed below.

Applicants' review of Krivoshein indicates that Krivoshein fails to cure the deficiencies regarding Frank and Dönig discussed above. In particular, Krivoshein would not provide reasoning or motivation to one skilled in the art of control and regulation of electrostatic filters for combining Frank and Dönig with respect to amended independent claims 1.

Accordingly, Applicants respectfully request that the rejection of claims 2 and 22, which depend from claim 1, under 35 U.S.C. § 103(a) be withdrawn.

Claim 29:

Claim 29 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Frank in view of Dönig and further in view of Bragin et al. (U.S. Publication No. 2002/0021731, herein Bragin)

Applicants' review of Bragin indicates that Bragin fails to cure the deficiencies regarding Frank and Dönig discussed above. In particular, Bragin would not provide reasoning or motivation to one skilled in the art of control and regulation of electrostatic filters for combining Frank and Dönig with respect to amended independent claims 1.

Accordingly, Applicants respectfully request that the rejection of claim 29, which depends from claim 1, under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

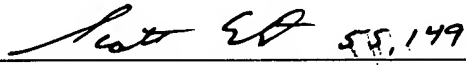
Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the pending claims of this application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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